

1 BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP  
2 Alan R. Plutzik (Bar No. 077785)  
3 L. Timothy Fisher (Bar No. 191626)  
4 Kathryn A. Schofield (Bar No. 202939)  
5 2125 Oak Grove Road, Suite 120  
6 Walnut Creek, California 94598  
7 Telephone: (925) 945-0200  
8 Facsimile: (925) 945-8792

9 SCHIFFRIN & BARROWAY LLP  
10 Eric L. Zagar  
11 Sandra G. Smith  
12 280 King of Prussia Road  
13 Radnor, PA 19087  
14 Telephone: (610) 667-7706  
15 Facsimile: (610) 667-7056

16 Attorneys for Plaintiffs  
17 Brozovich and Younan

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 FRANK BROZOVICH, Derivatively on Behalf  
15 of Nominal Defendant ACTEL  
16 CORPORATION,

17 Plaintiff,

18 v.

19 JOHN C. EAST, ESMAT Z. HAMDY, PAUL  
20 V. INDACO, FARES N. MUBARAK, DENNIS  
21 G. KISH, HANK L. PERRET, DOUGLAS D.  
22 GOODYEAR, JEFFREY M. SCHLAGETER,  
23 DAVID M. SUGISHITA, DENNIS F. NYE,  
24 CARL N. BURROW, ROBERT J. SMITH II,  
25 ROBERT G. SPENCER and JACOB  
26 JACOBSSON,

27 Defendants,

28 and,

ACTEL CORPORATION,

Nominal Defendant.

Case No. C06-05352 JW

**CORRECTED APPLICATION OF  
PLAINTIFFS BROZOVICH AND  
YOUNAN FOR ORDER  
SHORTENING TIME TO HEAR  
PLAINTIFFS' MOTION TO  
CONSOLIDATE CASES, AND  
[PROPOSED] ORDER**

1 SAMIR YOUNAN, Derivatively on Behalf of  
2 Nominal Defendant ACTEL CORPORATION,

3 Plaintiff,

4 v.

5 JOHN C. EAST, ESMAT Z. HAMDY, PAUL  
6 V. INDACO, FARES N. MUBARAK, DENNIS  
7 G. KISH, HANK L. PERRET, DOUGLAS D.  
8 GOODYEAR, JEFFREY M. SCHLAGETER,  
9 DAVID M. SUGISHITA, DENNIS F. NYE,  
10 CARL N. BURROW, ROBERT J. SMITH II,  
11 ROBERT G. SPENCER and JACOB  
12 JACOBSSON,

13 Defendants,

14 and,

15 ACTEL CORPORATION,

16 Nominal Defendant.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. C06-06832 JW

Pursuant to Local Rule 6-1, Plaintiffs Brozovich and Younan ("Plaintiffs") hereby apply for an Order Shortening Time for their Motion to Consolidate Cases (*Brozovich v. East, et al.* 06-cv-05352-JW and *Younan v. East, et al.* 06-cv-06832-JW), filed concurrently with this Application. The attached declaration of Kathryn A. Schofield demonstrates that shortened time is appropriate because the Motion to Consolidate should be heard concurrently with the Motion for the Appointment of Lead Plaintiff, Lead Counsel and Liaison Counsel ("Lead Plaintiff Motion") and the Case Management Conference, both calendared for January 8, 2007.

Any interested parties have been given ample notice of the parties' intention to consolidate these two cases. All parties in both cases, through their counsel, stipulated to consolidation, and filed that stipulation with the Court on November 14, 2006. Therefore, the parties' intention to consolidate the two cases has been in the public record for over a month, without any subsequent objection or opposition. Moreover, Plaintiffs' November 15, 2006 Lead Plaintiff Motion is unopposed. Accordingly, Plaintiffs do not anticipate any opposition to their Motion to Consolidate. Moreover, Defendants do not oppose this application for shortened time. In light of the judicial efficiencies of hearing the Motion to Consolidate and the Lead Plaintiff Motion on the same schedule, and the pre-existing consolidation stipulation, shortened time is appropriate in this instance.

Dated: December 26, 2006

BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP



Alan R. Plutzik

Alan R. Plutzik  
L. Timothy Fisher  
Kathryn A. Schofield  
2125 Oak Grove Road, Suite 120  
Walnut Creek, California 94598  
Telephone: (925) 945-0200  
Facsimile: (925) 945-8792

SCHIFFRIN & BARROWAY LLP

Eric L. Zagar

Sandra G. Smith

280 King of Prussia Road

Radnor, PA 19087

Telephone: (610) 667-7706

Facsimile: (610) 667-7056

Attorneys for Plaintiffs Brozovich and Younan

**DECLARATION OF KATHRYN A. SCHOFIELD IN SUPPORT OF APPLICATION FOR  
ORDER CONTINUING CLASS CERTIFICATION SCHEDULE**

I, Kathryn A. Schofield declare:

1. I am an attorney admitted to practice before the courts of this State and am an attorney with the law firm of Bramson, Plutzik, Mahler & Birkhaeuser LLP, attorneys of record for Plaintiffs in the *Brozovich* and *Younan* actions.

2. *Brozovich* and *Younan* are derivative actions. *Brozovich v. East, et al* (C06-5352 JW) was filed on August 30, 2006 and *Younan v. East, et al* (C06-6832 JW) was filed on November 2, 2006.

3. Shortened time is appropriate in this instance because the Motion to Consolidate should be heard concurrently with the November 15, 2006 Motion for the Appointment of Lead Plaintiff, Lead Counsel and Liaison Counsel ("Lead Plaintiff Motion") and the Case Management Conference, both calendared for January 8, 2007. If consolidation is not resolved at that time, then the Court will not be able to calendar the Consolidated Amended Complaint and any subsequent Motion to Dismiss or Answer.

4. All parties in both cases, through their counsel, stipulated to consolidation, and filed that stipulation with the Court on November 14, 2006. Therefore, the parties' intention to consolidate the two cases has been in the public record for over a month, without any subsequent objection or opposition.

5. Plaintiffs' Lead Plaintiff Motion is unopposed. Accordingly, Plaintiffs do not anticipate any opposition to their Motion to Consolidate. Nor do Plaintiffs anticipate any prejudice to anyone occurring if the Motion to Consolidate is heard on shortened time.

6. I have spoken with counsel for Defendants and advised him of Plaintiffs' request for shortened time on their Motion to Consolidate. Opposing Counsel does not oppose Plaintiffs' Motion to Consolidate being heard on shortened time.

7. Attached is a proposed order granting the application. On behalf of Plaintiffs, I respectfully request that the Court set the following briefing and hearing schedule:

Opposition Brief: December 29, 2007

Reply Brief: January 2, 2007

Hearing: January 8, 2007 at 9:00 a.m.

If no Opposition is filed, then Plaintiffs will request that the Court decide the matter at the Case Management Conference on January 8, 2007.

8. The undersigned hereby certifies that the Application for Order Shortening Time is made in good faith and for good cause.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21<sup>st</sup> day of December, 2006, at Walnut Creek, California.

/s Kathryn A. Schofield

Kathryn A. Schofield

**\*\*ORDER\*\***

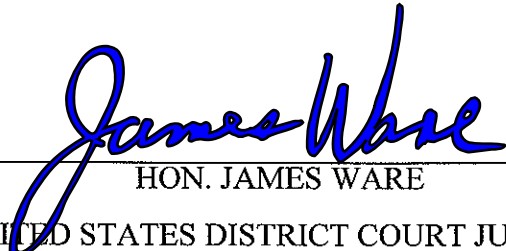
Having considered Plaintiffs Brozovich and Younan's Application for an Order Shortening Time on their Motion to Consolidate, and finding good cause therefor,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Consolidate and related briefing is scheduled as follows:

Opposition Brief:	December 29, 2007
Reply Brief:	January 2, 2007
Hearing:	January 8, 2007 at 9:00 a.m.

IT IS SO ORDERED.

DATED: December 27, 2006

  
HON. JAMES WARE  
UNITED STATES DISTRICT COURT JUDGE